

REMARKS

In the Office Action mailed on December 23, 2009, the Examiner rejected claims 1, 3, 5, 7-14, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,642,263 to Pine et al. ("Pine"). Claims 1-5, 7, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,807,454 to Beadle ("Beadle"). Claims 6 and 15 were found to be allowable if rewritten in independent form.

Applicants submitted an Amendment and Response to the Final Office action on April 22, 2010. According to the Advisory Action mailed on April 29, 2010, the April 22, 2010 Amendment and Response was not entered. Accordingly, at the time of submission of the present paper, claims 1-17 (as last amended on October 23, 2009) are pending and before the Examiner. That is, a total of 17 claims are pending in the present application.

In this Amendment and Response, Claim 1 is amended. Claims 3, 6 and 15 are canceled. New independent claim 18 is introduced. Thus, after entry of the present claim amendment a total of 15 claims will be pending.

Applicants have amended claim 1 to include the features of claim 3 and 6. New independent claim 18 has been drafted to recite the features of claim 1, 3, 4, and 15. Applicants request that the present amendment be entered as the amendments address matters of form expressly set forth in a previous office action. That is, the Examiner stated in the previous office action that "[c]laims 6 and 15 ... would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants attorney confirmed allowance with the Examiner on May 17, 2010 by telephone.

In view of the amendments to the claims, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims. Applicants respectfully submit that no new matter is introduced by the present amendment and request that the Examiner issue an Notice of Allowance in accordance with his previous finding.

Allowable Subject Matter

The Office Action states that claims 6 and 15 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank the Examiner for pointing out allowable subject matter in claims 6 and 15. In the interest of expediting the subject application to allowance, Applicants respectfully submit that claim 1 is amended to include all of the limitations of claims 3 and 6. New claim 18 includes the limitations of previously amended claims 1, 3, 4 and 15. Applicants respectfully submit the claims are now in condition for allowance.

Rejections Under 35 U.S.C. § 102(b) over Pine

Claims 1, 3, 5, 7-14, 16 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pine.

Applicants respectfully submit that the claims are amended to recite the allowable subject matter identified by the Examiner. Specifically, claim 1 is amended to recite the limitations of claims 3 and 6. Applicants respectfully submit that the amendments to the claims render the rejections under 35 U.S.C. §102(b) moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to claim 1.

Claims 5, 7-14, 16 and 17 depend, directly or indirectly, from claim 1. For the reasons stated above, Applicants respectfully submit that claims 5, 7-14, 16 and 17 are also in condition for allowance. New claim 18 is also allowable over Pine as claim 18 recites all of the elements of claims 1, 3, 4, and 15 (which the Examiner found to be allowable over Pine).

Rejections Under 35 U.S.C. § 102(b) over Beadle

Claims 1-5, 7, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Beadle.

Applicants respectfully submit that the claims are amended to recite the allowable subject matter identified by the Examiner. Specifically, claim 1 is amended to recite the limitations of claims 3 and 6. Applicants respectfully submit that the amendments to the claims render the

rejections under 35 U.S.C. §102(b) moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections to claim 1.

Claims 2, 4-5, 7-14, 16 and 17 depend, directly or indirectly, from claim 1. For the reasons stated above, Applicants respectfully submit that claims 2, 4-5, 7-14, 16 and 17 are also in condition for allowance. New claim 18 is also allowable over Beadle as claim 18 recites all of the elements of claims 1, 3, 4, and 15 (which the Examiner found to be allowable over Beadle).

Applicants' Interview Summary

Applicants thank Examiner Kastler for participating in a telephonic interview on April 20, 2010 with Applicants' representatives (Ms. Deborah Vernon, Applicants' attorney registered to practice before the U.S. Patent and Trademark Office, Mr. Rüdiger Lotze, Applicants' European patent attorney, Mr. Gerd Faymonville, an inventor listed on U.S.S.N. 10/550,706 and an employee of the assignee, and Mr. Walter Gombert and Mr. Glynn Jones, employees of the assignee and colleagues with Mr. Faymonville.)

During the interview, Applicants' representatives discussed photographs of the claimed annealing rack and discussed the claim element "the shape of the at least one annealing basket is designed for a particular annealing stock." The Examiner stated that "without further description as to what either the annealing stock is or what the design is intended to provide, this limitation could be fairly met by any type or shape of annealing basket."

CONCLUSION

Applicants respectfully submit that all of the pending claims are in condition for allowance and requests early favorable action. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,

Date: May 21, 2010
Reg. No.: 55, 699

Tel. No.: (617) 526-9836
Fax No.: (617) 526-9899

/Deborah M. Vernon #55,699/
Deborah M. Vernon
Attorney for the Applicants
Proskauer Rose LLP
One International Place
Boston, MA 02110